IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.3506 of 2003

Between:

Jadi Gangulappa, S/o.Pallappa, 55 years, Hindu, Buchaiahgaripalli, H/o.Bukkapatnam, Bukkapatnam Mandal, Ananthapur District.

...PETITIONER

AND

1. The District Collector, Ananthapur.
2. The Mandal Revenue Officer, Kothacheruvu Mandal, Ananthapur District.
3. Ediga Ramaiah, S/o.Venkataramanappa, 63 years, R/o.Butchaiahgaripalli, Bukkapatnam (M), Ananthapur District.
4. E.S.Srilatha, W/o.Glopal, 35 years, R/o.Butchaiahgaripalli, Bukkapatnam (M), Ananthapur District.
5. Angadi Kesappa, S/o.Angadi Chinnarayanappa, 50 years, R/o.Butchaiahgaripalli, Bukkapatnam (M), Ananthapur District.
6. Ediga Venkataramulu, S/o.Chinnanappa, 63 years, R/o.Butchaiahgaripalli, Bukkapatnam (M), Ananthapur District.

(R3 to 6 are impleaded as per Court order dated 09.12.2003 in W.P.M.P.No.23939 of 2003)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ or order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in laying the roads in petitioner's lands situated in Survey Nos.248-1 and 243-1 of Kothapalli Revenue Village, Kothacheruvu Mandal, Ananthapur District without following the due process of law as arbitrary, illegal and unconstitutional and consequently directing the respondents not to interfere with the possession and enjoyment of petitioner's lands in Survey No.248-1 and 243-1 of Kothapalli Revenue Village, Kothacheruvu Mandal, Ananthapur District by forming the roads except in accordance with the procedure established by law.

Counsel for the Petitioner: MR.A.HANUMANTHA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR LAND ACQUISITION

Counsel for the Respondent Nos.3 to 6: MR.K.SARVABHOUMA RAO

The Court made the following:

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ORDER:

The petitioner claims to be the owner of land of an extent of Acs.4.93 in Survey No.248-1 and Acs.2.38 in Survey No.243-1 of Kothapalli Revenue Village, Kothacheruvu Mandal of Ananthapur District, having purchased by his father in the year 1933 vide document No.116 on 06.03.1933. The present Writ Petition is filed seeking declaration that the action of the respondent Nos.1 and 2 in laying road in petitioner's lands without following due process of law as arbitrary, illegal and unconstitutional with a consequential direction to the respondent Nos.1 and 2 in not interfering with the possession of the petitioner. This Court while admitting the Writ Petition on 27.02.2003 passed interim order directing the respondent Nos.1 and 2 not to lay road without following due process of law.

As directed by this Court, the Mandal Revenue Officer has produced the original copy of field map of Kothapalli Revenue village. Based on the same, the learned Assistant Government Pleader for Revenue (Land Acquisition) submits that there is no pre-existing cart-way or cart-track in the land owned by the petitioner being Survey Nos.248-1 and 243-1 of Kothapalli Revenue village. In that view of the matter, the Writ Petition is disposed of giving liberty to the respondents to acquire the land following due process of law. If the road is not laid, there shall be *status quo* as on today.

The Writ Petition, with the above observations, is disposed of.

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(V.V.S.RAO, J)

30th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Collector, Ananthapur.
2. The Mandal Revenue Officer, Kothacheruvu Mandal, Ananthapur District.
3. Two CCs to G.P. for Land Acquisition, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.